

# Advisory Opinion

## IECDB AO 2006-15

December 21, 2006

### TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the issue of candidates making or receiving contributions for purposes of attending another candidate's fundraising event. The Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

### OPINION:

Iowa Code section 68A.301 prohibits state and local candidates from using campaign funds to make contributions to another candidate or to receive contributions from another candidate's campaign funds. The statute also contains the following exception:

“2. This section shall not be construed to prohibit a candidate or candidate's committee from using campaign funds or accepting contributions for tickets to meals if the candidate attends solely for the purpose of enhancing the person's candidacy or the candidacy of another person.”

Historically, this statute has involved situations when the ticket to the meal is part of a candidate's fundraising event. The following issues have been raised to the Board concerning the application of the statute:

1. It is permissible for a state or local candidate to receive a contribution under this section from a federal candidate when the ticket is for the state or local candidate's fundraising event?
2. What is the definition of “meal” for purposes of this section?

While the Board cannot speak to the ability of federal candidates to use their campaign funds as that issue is subject to federal campaign laws, we are of the opinion that this section does not prohibit state and local candidates from receiving contributions from federal candidates for tickets to meals at state and local candidate fundraising events.

The Board is not going to define “meal” for purposes of Iowa Code section 68A.301. Rather, we will presume that some sort of food/beverage will be served at these fundraising events and that such events will be deemed as in compliance with the law.

The Board is also going to presume that candidates who attend the fundraising event for another candidate is for the “purpose of enhancing the candidacy” of one or both of the candidates. We cannot imagine a situation when attendance at such an event would not “enhance the candidacy” of at least one, and usually both, of the candidates.

Therefore, so long as there is proper disclosure on public campaign disclosure reports that the contribution in question was for tickets to a meal at a candidate’s fundraising event, the Board will view such situations as in compliance with Iowa Code section 68A.301.

In closing, we note that Board rule 351—4.25(1)“h” permits the use of candidate campaign funds in these types of situations for the candidate and one guest. The presumptions set out in this opinion will also be applied by the Board to this rule.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel